

# Court of Appeals, State of Michigan

## ORDER

David Slaggert v Michigan Cardiovascular Institute PC

Docket No. 260776

LC No. 04-052690-NH

Bill Schuette  
Presiding Judge

William C. Whitbeck  
Chief Judge

Stephen L. Borrello  
Judge

---

The Court orders that the motion for reconsideration is GRANTED for the limited purpose of addressing defendants' remaining Issues I and II in their application for leave to appeal.

As to Issues I and II only, the Court orders that the application for leave to appeal is GRANTED. In addition, the parties are directed to address the applicability of footnote 5 in *Halloran v Bhan*, 470 Mich 572, 577 n 5; 683 NW2d 129 (2004), to the present facts. MCR 7.205(D)(4).

This matter is placed on the SUMMARY DISPOSITION TRACK. Administrative Order 2004-5. A motion to remove from the summary disposition track must be filed within seven days of the certification of this order. Administrative Order 2004-5, ¶ 7(A). Appellant's brief shall be filed 28 days from the certification of this order. Administrative Order 2004-5, ¶ 9(B)(1).

In all other respects, the August 16, 2005 order remains unchanged.

Borrello, J. would deny the application for leave to appeal based on the trial court's correct reliance on *Grossman v Brown*, 470 Mich 593 (2004) and also because he is not persuaded of the need for immediate appellate review.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

OCT 25 2005

Date

*Sandra Schultz Mengel*  
Chief Clerk